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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,522	05/20/2002	Juergen Heymann	07781.0042	4073

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EXAMINER	
BHATIA, AJAY M	

ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
05/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/049,522	HEYMANN ET AL.	
	Examiner	Art Unit	
	Ajay M. Bhatia	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

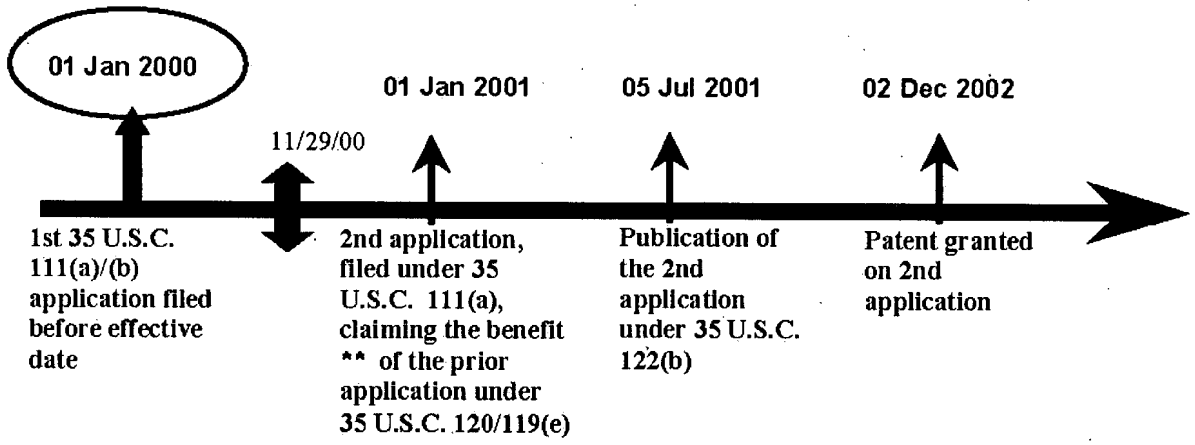
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

Applicant first argument in addressing the prior date for Keorkunian, it appears that applicant maybe confused. Keporkunian claims priority to provisional application 60/174,377, filed Jan. 4th 2000, which the rejection is based upon. If applicant's representative is still confused examiner suggest applicant's representative review the MPEP 706.02(f)(1) example 2. Produced for you befit bellow.

Example 2: Reference Publication and Patent of 35 U.S.C. 111(a) Application with *>a< Benefit Claim to a Prior U.S. Provisional or Nonprovisional Application.

For reference publications and patents of patent applications filed under 35 U.S.C. 111(a), the prior art dates under 35 U.S.C. 102(e) accorded to these references are the earliest effective U.S. filing dates. Thus, a publication and patent of a 35 U.S.C. 111(a) application, which claims *>benefit< under 35 U.S.C. 119(e) to a prior U.S. provisional application or claims the benefit under 35 U.S.C. 120 of a prior nonprovisional application, would be accorded the earlier filing date as its prior art date under 35 U.S.C. 102(e), assuming the earlier-filed application has proper support for the subject matter as required by 35 U.S.C. 119(e) or 120.



The 35 U.S.C. 102(e)(1) date for the Publication is: 01 Jan. 2000. The 35 U.S.C. 102(e)(2) date for the Patent is: 01 Jan. 2000.

\Applicant also presents additionally arguments addressing the cited prior art. All of applicant's arguments utilize the claim language only, therefore the applicant fails to persuade the examiner since the statement the prior art does not apply does not overcome the prior art. The mere statement that the prior art does not apply without context of the specification and applicant interpretation fails to show any distinction at all. If applicant wishes to overcome the present invention applicant is going to have to discuss the claims and applicant's interpretation of the claim to distinguish the claims. Therefore the rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 20-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt (U.S. Patent 5,892,905) in view of Keorkunian et al. (US Patent publication 2004,0073631).

For claim 20, Brandt teaches, a method for communication between a client computer and a server computer, both computers using the hypertext transfer protocol (HTTP), the client computer using an HTTP-browser, the method comprising the following steps:

sending a first request from the client computer to the server computer;

upon receiving the first request, the server computer,

(i) allocating a resource at the server computer, the resource with an identifier, and (Brandt, Col. 11 lines 15-24, protected resource)

(ii) returning a predetermined close instruction to the browser, the close instruction carrying the identifier; upon unloading at the browser the predetermined close instruction received from the server computer, sending a second request from the client computer to the server computer to, the second request carrying the identifier and indicating to de-allocate the resource; and (Brandt, Col. 8 lines 31-39, Col. 11 lines 15-24, disconnect)

upon receiving the second request from the client computer, by the server computer de-allocating the resource. (de-allocation is interpreted as deleting, removing from use temporally or permanently, re-assigning, or temporally removing the use of) (Brandt, Col. 5 lines 5-67, Col. 8 lines 31-39, Col. 11 lines 15-24, Col. 17 lines 6-24)

Brandt fails to disclose, indicate initiation of the predetermined close instruction by the browser

Keorkunian teaches, indicate initiation of the predetermined close instruction by the browser (Keorkunian, paragraph 177-181, disconnect, deletes)

Brandt and Keorkunian are both in the field of controlled access to content, via web interface

Brandt and Keorkunian are compatible because both are based upon web interfaces

It would have been obvious to on of ordinary skill in the art at the time of the invention was made to combine the inventions of Brandt and Keorkunian because Keorkunian provided the additional befit of being able to be identified and anonymity at the same time. (Keorkunian, paragraph 19)

For claim 21, Brandt-Keorkunian teaches, the method of claim 20, wherein after the server computer has returned the predetermined close instruction, and before the server computer receives the second request from the client computer, the server computer consecutively sends content pages to the client computer. (Brandt, Col. 17 lines 25-45, restart)

For claim 22, Brandt-Keorkunian teaches, the method of claim 21, wherein in the step returning a predetermined close instruction, the browser presents the close instruction in a first frame and presents the content pages in a second frame. (Brandt, Col. 18 lines 38-45, it is inherent feature of a browser to display content in any of a multiple frames)

For claim 23, Brandt-Keorkunian teaches, the method of claim 21, wherein the close instruction prevents selected content pages from being cached by the browser. (Brandt, Col. 18 lines 38-45, a inherent feature of purging cached files is nothing is able to be cached)

For claim 24, Brandt-Keorkunian teaches, the method of claim 20, wherein in the step sending a second request, the client computer sends the second request to a predetermined address of the server computer. (Brandt, Col. 7 lines 55-60, it is necessary to know the address of a device to communicate with it in a network)

For claim 25, Brandt-Keorkunian teaches, the method of claim 20, wherein in the step returning a predetermined close instruction, the predetermined close instruction comprises script. (Brandt, Col. 28 lines 33-56)

For claim 26, Brandt-Keorkunian teaches, the method of claim 20, wherein in the step returning a predetermined close instruction, the script does not lead to a presentation by the browser. (Brandt, Col. 18 lines 38-45, close of an applicant inherently prevents communication with the application and display of any information)

For claim 36, Brandt teaches, a method for communication between a client computer and a server computer, both computers using the hypertext transfer protocol (HTTP) and the client computer using an HTTP-browser, the method comprising:
sending a request from the client computer to the server computer; ((blah), Col. 11 lines 15-24, web)

upon receiving the request, the server computer:

allocating a resource at the server computer, the resource including an identifier and a time-out period (T), returning a close instruction to the client computer, the close

instruction including the time-out period (T) and the identifier, measuring the time (t) during which communication between the client computer and the server computer is idle, and de-allocating the resource when the measured time (t) reaches the time-out period (T); (Brandt, Col. 17 lines 45-55 limit time)

and upon receiving the close instruction the client computer:

measuring the time (t) during which the communication between the client computer and the server computer is idle, (BrandtCol. 17 lines 45-55, limit time)

Brandt fails to clearly disclose, warning to the user if the measured time (t) reaches a predetermined fraction (T/X) of the time-out period (T).

Keorkunian teaches, warning to the user if the measured time (t) reaches a predetermined fraction (T/X) of the time-out period (T). (Keorkunian , time of viewing content)

Brandt and Keorkunian are both in the field of controlled access to content, via web interface

Brandt and Keorkunian are compatible because both are based upon web interfaces

It would have been obvious to on of ordinary skill in the art at the time of the invention was made to combine the inventions of Brandt and Keorkunian because Keorkunian provided the additional befit of being able to be identified and anonymity at the same time. (Keorkunian, paragraph 19)

Claims 27-35 and 37-38 list all the same elements of claims 20-26 and 36, relating to the same invention. Therefore, the supporting rationale of the rejection to claim 20-26 and 36 applies equally as well to claims 27-35 and 37-38.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding

the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Cardone
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Art Unit 2145

AB